

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

KATHE TRAN VO (1)
JAMES TRAVIS TANNER (2)
MAXINE JULIETTE MITCHELL (3)
JAMES ANTHONY MARZIOLI (4)
ZACHARIAH LOGAN CARL (5)
MICHAEL LUKE ALLISON (6)
MARY MARGARET MERRELL (7)
STEWART ALBERT ELIZARDO (8)

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§
§

No. 4:19CR
Judge

309
Mazzant

FILED

DEC 11 2019

Clerk, U.S. District Court
Texas Eastern

INDICTMENT

The United States Grand Jury charges:

Count One

Violation: 21 U.S.C. § 846
(Conspiracy to Possess with Intent
to Manufacture and Distribute
Methamphetamine)

From in or about September 2018, the exact date being unknown to the Grand Jury,
and continuing up to and including the date of the filing of this Indictment, in the Eastern
District of Texas and elsewhere, Defendants,

**KATHE TRAN VO
JAMES TRAVIS TANNER
MAXINE JULIETTE MITCHELL
JAMES ANTHONY MARZIOLI
ZACHARIAH LOGAN CARL
MICHAEL LUKE ALLISON
MARY MARGARET MERRELL
STEWART ALBERT ELIZARDO**

did knowingly and intentionally combine, conspire, and agree with each other and with other persons known and unknown to the United States Grand Jury, to distribute and possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual) or 28 grams or more of an amount of a mixture or substance containing a detectable amount of cocaine base or an amount of a mixture or substance containing a detectable amount of cocaine, a violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

Count Two

Violation: 18 U.S.C. § 924(c)
(Possession of a firearm in furtherance of
a drug trafficking crime)

On or about September 18, 2019, in the Northern District of Texas, Defendant **ZACHARIAH LOGAN CARL**, did knowingly possess a firearm, namely: a Bushmaster .223 Model XM15-E2S rifle, serial number L215669, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, namely: conspiracy to possess with intent to deliver methamphetamine, cocaine, and GHB and possession with intent to distribute methamphetamine, cocaine and GHB in violation of Title 21 United States Code, §§ 846, 841(a)(1).

In violation of Title 18 United States Code, Section 924(c).

Count Three

Violation: 18 U.S.C. § 924(c)
(Possession of a firearm in furtherance of
a drug trafficking crime)

On or about September 17, 2019, in the Northern District of Texas, Defendant **JAMES ANTHONY MARZIOLI**, did knowingly possess a firearm, namely: a Hi-Point Model C9 9mm handgun, serial number P1390758, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, namely: conspiracy to possess with intent to deliver methamphetamine and cocaine and possession with intent to distribute methamphetamine and cocaine in violation of Title 21 United States Code, §§ 846, 841(a)(1).

In violation of Title 18 United States Code, Section 924(c).

Count Four

Violation: 18 U.S.C. § 924(c)
(Possession of a firearm in furtherance of
a drug trafficking crime)

On or about May 20, 2019, in the Northern District of Texas, Defendant **KATHE TRAN VO**, did knowingly possess a firearm, namely: a Smith & Wesson .380 handgun, serial number EBU7940., in furtherance of a drug trafficking crime for which she may be prosecuted in a Court of the United States, namely: conspiracy to possess with intent to deliver methamphetamine, heroin, cocaine and MDMA and possession with intent to

distribute methamphetamine, heroin, cocaine and MDMA in violation of Title 21 United States Code, §§ 846, 841(a)(1).

In violation of Title 18 United States Code, Section 924(c).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Criminal Forfeiture Pursuant to 21 U.S.C. § 853

As a result of committing the offense charged in Count One of this Indictment, the defendants shall forfeit to the United States any cash proceeds that is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the offense alleged in Count One of this Indictment, and any property they may have used or intended to be used to commit or facilitate the offense.

Criminal Forfeiture Pursuant to 18 U.S.C. § 924(d)

As a result of committing the felony offenses in violation of 18 U.S.C. § 924(c) as alleged in Counts 2 through 4 of this Indictment, defendants, **ZACHARIAH LOGAN CARL, JAMES ANTHONY MARZIOLI** and **KATHE TRAN VO**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d), all firearms and ammunition involved in the offense, including but not limited to the following:

1. a Bushmaster .223 Model XM15-E2S rifle, serial number L215669
2. a Hi-Point Model C9 9mm handgun, serial number P1390758
3. a Smith & Wesson .380 handgun, serial number EBU7940
4. Any ammunition related to this case.

If any of the property described above as being subject to forfeiture as a result of any act or omission of the defendants-

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the defendants have in the above-described property is vested in and forfeited to the United States.

JOSEPH D. BROWN
UNITED STATES ATTORNEY


MATTHEW T. JOHNSON
Assistant United States Attorney

A TRUE BILL


GRAND JURY FOREPERSON

DATE: 12/11/19

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NOTICE OF PENALTY

Count One

Violation: 21 U.S.C. §§ 846, 841(a)(1)

Penalty: If 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), the penalty is not less than 10 years and not more than life imprisonment, a fine not to exceed \$10 million, or both; supervised release of at least 5 years;

If 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 5 grams or more of methamphetamine (actual), or 28 grams or more of a mixture or substance containing a detectable amount of cocaine base, the penalty is not less than 5 years and not more than 40 years imprisonment, a fine not to exceed \$5 million, or both; supervised release of at least 4 years.

If less than 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine or less than 500 grams of a mixture or substance containing a detectable amount of cocaine or less than 28 grams of a mixture or substance containing a mixture or substance of

cocaine base, the penalty is not more than 20 years imprisonment, a fine not to exceed \$1 million, or both; supervised release of at least 3 years.

Special Assessment: \$100.00

Counts Two, Three and Four

Violation: 18 U.S.C. § 924(c)(1)

Penalty: Imprisonment for a term of not less than 5 years which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000; supervised release of not more than 3 years.

Special Assessment: \$100.00